

REMARKS

By this amendment, Applicant has amended claims 1, 7, 10, 22, and 23, and has canceled claims 14-19. Claims 1-13 and 20-24 remain for consideration in the application.

Election/Restriction

Restriction to two inventions was made and, during a telephonic conversation with James McDaniel on August 10, 2006, a provisional election was made, without traverse, to prosecute the invention of Group I, claims 1-13 and 20-24. Affirmation of this election is hereby made in reply to this action. Applicant has canceled claims 14-19 without prejudice and reserves the right to file these claims in divisional application(s) at a later date.

REMARKS***Claim Rejections Under 35 U.S.C. § 112***

Claims 20-22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses. The means recited in the claim are what allows the photographer to get details of a photograph to be taken, to navigate to the location where a photograph is to be taken, to gather the information on orienting the camera for taking a photograph at the navigated-to location, and an actual camera (means for photographing a subject) once the details, location, and orientation have been determined through the various means. The claim must be read in view of the specification, which makes it clear that the guidebook has various details printed therein for navigating to a plurality of specific locations, for orienting a camera, for setting up a photograph, and for taking that photograph with a camera from the provided details. Claim 22 has been amended to more clearly recite the subject matter. Claims 20-22 are believed allowable.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-9 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruebens (U.S. Patent No. 4,965,948). Applicant traverses. The Office Action asserts that Ruebens discloses a photography guidebook. This is absolutely incorrect. In fact, Ruebens discloses a photo album. *In re Gulack* is inapplicable to the present situation, since the printed matter is clearly and unambiguously related to the substrate. The claim is directed to a guidebook for taking pictures. The information about where the pictures are to be taken and the parameters for the taking of the pictures is the printed matter. All the elements are assembled into a book that is used by a photographer to generate a series of pictures. The printed matter is clearly functional. In contrast, Ruebens is a blank photo album. The writing surfaces are blank. There is no guide function to the Ruebens album. It is a shell into which photos are placed, and there is no information appearing in the blank album about photos until it is entered by a user or consumer. The claims must be read in view of the specification, which makes it clear about the functional relation between the book and the descriptions. However, in the interests of clarity,

claim 1 has been amended to more clearly recite the subject matter. A photo album with empty photo holders blank photo descriptions is wholly different than the subject matter of claim 1.

Claim 1 is allowable. Claims 2-6 depend from and further define claim 1, and are also believed allowable.

Claim 7 has also been amended to more clearly recite the nature of the photograph descriptions, and is allowable for the reasons set forth above with respect to the allowability of claim 1. Those arguments are incorporated herein in their entirety, but are not reproduced for purposes of brevity. Further, claim 7 is directed to an adventure workbook, whereas, once again, Ruebens is a blank photo album. Claim 7 is allowable. Claims 8-9 depend from and further define claim 7, and are also believed allowable.

The Office Action further asserts that Ruebens discloses a guidebook for taking photographs comprising the means claimed in claim 20. This is the entire content of the rejection. The Office Action has not disclosed where Ruebens contains any of the means recited in the claim. Where is the means for retrieving? The photo album of Ruebens is blank. Where is the means for navigating to a photograph taking location? Ruebens is a blank album. Where is the means for orienting a camera? There is not even a discussion of that possibility in Ruebens. Even if Ruebens were to contain such things, which it clearly does not, the guidebook has pre-printed information, and Ruebens does not. Ruebens is merely a blank storage medium. Claim 20 is allowable. Claims 21-22 depend from and further define claim 20, and are also believed allowable.

Claims 10-13 and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sussman et al. (U.S. Patent No. D468,350 S) or Smith (U.S. Patent No. 6,257,621 B1) in view of Ruebens (U.S. Patent No. 4,965,948). Applicant traverses. Neither Sussman nor Smith, alone or in combination with Ruebens, discloses each and every element of the claims as amended. Claim 10 specifically recites a plurality of pre-printed photo descriptions, which has been shown above in the arguments in support of the allowance of claim 1 to not be present in Ruebens. The Office Action admits that neither Sussman nor Smith show the photograph descriptions, and since Ruebens has been shown not to contain such descriptions as recited in the claims, any combination of either Sussman or Smith with Ruebens is lacking that element as well. Once again, *In re Gulack* is inapplicable, since the printed matter is clearly and unambiguously related to the substrate as has been shown above. Claim 10 is allowable. Claims 11-13 depend from and further define claim 10, and are also believed allowable.

Claim 23 as amended also recites that the details of the blank photograph locations are pre-printed. This is not present in any combination of Sussman or Smith with Ruebens, and claim 23 is allowable. Claim 24 depends from and further defines claim 23, and is also believed allowable.

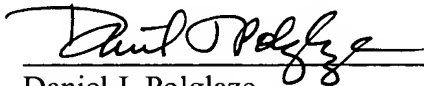
CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No.08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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